



Housing Policy Department  
Received on:

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Timothea Tway, Assistant Planner  
Community Development Department

April 4, 2013

Division of Housing Policy Development  
Department of Housing and Community Development  
P.O. Box 952053  
Sacramento, CA 94252-2053

Subject: 2011 and 2012 Annual Housing Element Progress Reports

Dear Sir or Madam,

Enclosed please find the 2011 and 2012 Annual Housing Element Progress Reports for the City of Beverly Hills. Copies have also been submitted to the Governor's Office of Planning and Research. Supporting documents related to Housing Element and RHNA accomplishments made during 2011 and 2012 are also included.

Please contact me with any questions or issues; I can be reached at (310) 285-1122.

Regards,

Timothea Tway, Assistant Planner  
Community Development Department

**Department of Housing and  
Community Development**

**ANNUAL HOUSING ELEMENT PROGRESS REPORT**

City or County Name: City of Beverly Hills

Mailing Address: Community Development, City of Beverly Hills

455 N. Rexford Drive, Beverly Hills, CA 90210

Contact Person: Timothea Tway Title: Assistant Planner

Phone: (310) 285-1122 FAX: (310) 858-6966 E-mail: ttway@beverlyhills.org

Reporting Period by Calendar Year: from 1/1/2012 to 12/31/2012

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

**Department of Housing and Community Development**

Division of Housing Policy Development

P.O. Box 952053

Sacramento, CA 94252-2053

-and-

**Governor's Office of Planning and Research**

P.O. Box 3044

Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2012 - 12/31/2012

Table A  
Annual Building Activity Report Summary - New Construction  
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information										Housing with Financial Assistance and/or Deed Restrictions			Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8		
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.		
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income							
4341035039	SU	O	1				1			0	1		
4344015004	SU	O	1				1			0	1		
(9) Total of Moderate and Above Moderate from Table A3			0	0	5		5						
(10) Total by Income Table A/A3			2		5		7						
(11) Total Extremely Low-Income Units*													

\* Note: These fields are voluntary

SU = Second Unit

Justification for Counting Non-Deed Restricted Second Units as Very Low Income Housing - In 2010 the City of Beverly Hills conducted a study of existing second units and found that 81% of existing units were either offered rent free or offered at a rent less than \$400 a month. This qualifies 81% of new second units built as Very Low Income housing. Please refer to the City's Housing Element, pages 584-587 for a discussion of the study and findings.

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2012 - 12/31/2012

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to Government Code Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program nt its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with Government Code Section 65583.1	subsection (c )(7) of
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS		
(1) Rehabilitation Activity						
(2) Preservation of Units At-Risk						
(3) Acquisition of Units						
(5) Total Units by Income						

\* Note: This field is voluntary

Table A3

Annual building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate							
No. of Units Permitted for Above Moderate		4		1		5	

\* Note: This field is voluntary

In addition to the above units, during 2012, 15 new single family homes were constructed. Single family homes have not been included in the inventory of new homes because it is assumed that any new single family home is replacing an existing single family home.



ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2012 - 12/31/2012

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	Status of Program Implementation
Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
Program 9.1 Upkeep and Maintenance of Vacated Buildings	Preserve existing housing stock through the Community Preservation Division	Ongoing	The city continues to implement the current program. The City's Community Preservation Division maintains a list of vacant buildings and properties and works with property owners to ensure they are maintained.
Program 9.2 Property Maintenance	Require housing to be maintained in an aesthetic, safe and habitable manner consistent with City codes	Ongoing, explore program restructuring by 2013	The City continues to implement the current program. In 2012 the City's Code Enforcement Office investigated 230 violations related to residential property maintenance.
Program 9.3 Handyworker Program	Provide minor repairs and mobility assistance to approximately 48 low-income households per year	Ongoing	In 2012, the program provided minor home repairs to 6 single-family homes and 17 multi-family homes for a total of 23 homes.
Program 9.4 Condominium Conversion Regulations	Limit the loss of rental housing by setting an annual cap on condominium conversions and providing tenant protections	Evaluate ordinance in 2011; amend in 2012, as appropriate	The City's current ordinance was evaluated in 2011 and the determination was made not to adjust the annual cap at that time.
Program 9.6 Rent Stabilization Ordinance	Investigate tenant complaints about unlawful rent increases, service reductions, evictions and relocations	Ongoing	The City continued to implement the current program. In 2012 the City's Code Enforcement Office opened 13 rent stabilization cases and responded to 767 inquiries either over the phone, through email, or in person.

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2012 - 12/31/2012

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Program Description	Objective	Timeframe in H.E.	Status of Program Implementation
Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.				
Program 9.7 Monitoring Affordable Housing	Coordinate with service providers to monitor Section 8 renewals, advise tenants in advance of potential conversion dates, and provide opportunities to continue affordability covenants	Ongoing		The City continues to implement the current program. The city has one very-low income housing building. The building has an affordability covenant and 150 units and is available to very low income seniors. The city contracts with Menorah Housing Foundation to oversee and administer the units.
Program 10.1 Density Bonus	Establish an incentive list for the City's Density Bonus Program	Modify ordinance and promote the use of density bonus incentives by 2012		The City is in the process of studying incentives that will be included in a list of options for developers. An ordinance establishing a list of incentives is expected to be adopted in 2013.
Program 10.2 Inclusionary Housing	Require a minimum percent of units in development to be price-restricted as affordable to lower and moderate income households	Conduct Inclusionary Housing Nexus and In-Lieu Fee Study in 2011 and adopt ordinance by 2012		The City is currently exploring various density bonus incentives and adjustments to the development standards for multi-family housing. An inclusionary housing study is anticipated in FY 13-14.
Program 10.3 Housing Trust Fund	To be used to construct or help leverage construction of affordable housing	2012, to coincide with the adoption of an Inclusionary Housing Ordinance		Through development agreements, the City has negotiated approximately \$3 Million dollars to be used to establish a housing trust fund. The three projects however have not been built to date and so rather than establishing the trust fund without having an identified funding source, the City has tied the housing trust fund to the in-lieu fees in program 10.2.

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction	City of Beverly Hills
Reporting Period	1/1/2012 - 12/31/2012

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 10.4 Second Units	Encourage the provision of affordable second units	Conduct Second Unit Survey in 2010; evaluate revisions to current second unit standards, and amend the ordinance within 1 year of Housing Element adoption	A second unit study was conducted in 2010 and the results were discussed in the housing element. The City is currently studying changes to the ordinance that could further incentivize the development of second units south of Santa Monica Boulevard.
Program 10.5 Affordable Housing Production Brochure and Outreach	Summarize available incentives offered for the development of affordable housing	Develop & disseminate outreach materials in 2012	The City has produced two housing brochures, one summarizes the City's available incentives for developing affordable housing, while the second brochure provides information on current housing programs to people in need of affordable housing.
Program 10.6 Sustainability and Green Building	Promote resource efficiency and sustainability in new developments	Ongoing	The City continues to implement the current program in consistency with the State's CalGreen building code.
Program 10.7 Partnerships with Affordable Housing Developers	Initiate partnerships with non-profit developers to assist in the development of affordable housing	Initial contact with local nonprofits by end of 2011; initiate an RFQ process by end of 2012	The City prepared and scheduled a meeting with developers and affordable housing managers, which was held on February 7, 2013. This meeting was a first step in establishing partnerships with affordable housing developers in anticipation for future affordable housing funds (Program 10.3).
Program 11.1 Fair Housing Program	Promote fair housing practices and refer fair housing complaints to Housing Rights Center	Initiate advertising in 2011	The City provides fair housing information on the City's website ( <a href="http://www.beverlyhills.org">www.beverlyhills.org</a> ) and in the brochures created under program 10.5.



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Reporting Period	1/1/2012 - 12/31/2012

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.				
Program 11.2 Senior Housing Development		Provide incentives to facilitate development of senior housing	Initiate RFQ process by end of 2012	This program was commenced with program 10.7. Due to a lack of funding at this time, this program has not progressed beyond the initial meeting with affordable housing managers and developers.
Program 11.3 Senior Case Management Program		Assist frail elderly residents to remain independent and in their homes	Ongoing	The City has continued to provide funding to Jewish Family Services, which provides a broad range of support services to seniors living independently. This program provided assistance to 268 Seniors in 2012. A number of additional programs provide assistance to seniors including: the Beverly Hills Active Club which provides exercise classes and activities at La Cienega and Roxbury Parks, the Senior Center and senior library at Roxbury Park (funded through the city library).
Program 11.4 Senior Home sharing Program		Provide a free shared housing program which matches older people with others interested in sharing their homes	Evaluate Community Assistance Funds and determine grant amount annually	The City did not fund this program in the 2012-2013 fiscal year because it was not shown to effectively match seniors; with restructuring, funds could be provided in the future.
Program 11.5 Accessible Housing		Develop and adopt written procedures for reasonable accommodation requests and educate the public on the process of requesting an accommodation	2011	On December 4, 2012, the City Council adopted ordinance 12-O-2634 adding Article 36.7 "Reasonable Accommodation Procedures for Disabled Persons" to Chapter 3 of Title 10 of the Beverly Hills Municipal Code. This article establishes a procedure for Disabled Persons, or their representatives to request a reasonable accommodation from the City's zoning laws, building codes, and land use regulations, policies, and procedures to provide Disabled Persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
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Jurisdiction	City of Beverly Hills
Reporting Period	1/1/2012 - 12/31/2012

Table C

Program Implementation Status			
Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	Status of Program Implementation
Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
Program 11.6 Funding for Homeless Services	Fund a variety of service organizations that serve the homeless and persons at-risk of homelessness	Annual funding allocations	The City has continued to fund All Saints Homeless Assistance Program, Jewish Family Services, The Maple Counseling Center, People Assisting the Homeless (PATH), the Saban Free Clinic (previously the Los Angeles Free Clinic), and the Westside Food Bank. In 2012/13 funding was increased for the Changing Lives and Sharing Places (CLASP) program. The HOST program, which provides outreach to homeless persons, operated by Step Up On Second was also funded for the first time. The City also provides section 8 vouchers to PATH and Step Up on Second to be used for longer-term housing for homeless persons.
Program 12.1 Zoning Text Amendments for Special Needs Housing	Amend zoning ordinance to provide for special needs housing	Amend zoning code in 2012	On November 23, 2012, the City adopted Ordinance 12-O-2633 establishing definitions, designating use, and adopting local planning and approval requirements for emergency shelters, supportive housing, community care facilities and single room occupancy units. This ordinance is consistent with housing element program 12.1 and consistent with State regulations.

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Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2012 - 12/31/2012

Table C

Program Implementation Status

Program Description (By Housing Element Program Names) Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 12.2 Adjust Development Standards	Evaluate and modify development standards to encourage more affordable housing units	Conduct comprehensive analysis of multi-family development standards in 2012 and amend zoning code by 2013	The City is conducting a study to understand what incentives, concessions and waivers would be most beneficial to building affordable housing in the City. This study is intended to inform upcoming modifications to the city's multi-family development standards in 2013. The City is also currently exploring minimum unit sizes for multi-family residential units that would be comparable to surrounding cities.
Program 12.3 Reduced Fees for Affordable Housing	Provide waivers or reductions of certain taxes and fees for developments with low, very low, and moderate income housing units	Conduct fee study in 2012	The City is currently studying fee reductions that would be meaningful to local affordable housing builders. The study is expected to be finalized in 2013.
Program 12.4 Monitor the Development Review Process	Identify inefficiencies and uncertainties in the City's review and promote alternative techniques intended to streamline the process	Annually, 2011-2013; modify incentive program as appropriate within 1 year	The City is currently updating its zoning code to reduce inefficiencies and uncertainty in the development process. This zoning update is also intended to streamline the development review process. Additionally, in an effort to streamline permitting, the Community Development Department was restructured to form a dedicated group of zoning code and building experts focused on processing permits.

General Comments:

Housing counts provided in this report are for the calendar year 2012. Housing counts for previous years in the housing cycle (2006 - 2011) have also been included to provide a grand total for housing developed in the cycle. Information on housing programs is for calendar year 2012, unless otherwise specified. The City's budget is set on the fiscal year so some program accomplishments have been presented based on funding made available during the 2011/2012 fiscal year rather than calendar years. All City policy work is current to March 2013.

**Department of Housing and  
Community Development**

**ANNUAL HOUSING ELEMENT PROGRESS REPORT**

City or County Name: City of Beverly Hills

Mailing Address: Community Development, City of Beverly Hills  
455 N. Rexford Drive, Beverly Hills, CA 90210

Contact Person: Timothea Tway Title: Assistant Planner

Phone: 310-285-1122 FAX: 310-858-5966 E-mail: ttway@beverlyhills.org

Reporting Period by Calendar Year: from 1/1/2011 to 12/31/2011

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

**Department of Housing and Community Development**

Division of Housing Policy Development

P.O. Box 952053

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-and-

**Governor's Office of Planning and Research**

P.O. Box 3044

Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT  
Housing Element Implementation  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table A  
Annual Building Activity Report Summary - New Construction  
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information										Housing with Financial Assistance and/or Deed Restrictions			Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6		7	8	
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R-Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.		
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income							
4344025001	SU	O	1				1			0	1		
4330009007	SU	O	1				1			0	1		
4348003009	SU	O	1				1			0	1		
4341012015	SU	O	1				1			0	1		
4350001027	SU	O	1				1			0	1		
4341036001	SU	O	1				1			0	1		
(9) Total of Moderate and Above Moderate from Table A3							40						
(10) Total by income Table A/A3			6			40	46						
(11) Total Extremely Low-Income Units*													

\* Note: These fields are voluntary  
SU = Second Unit

Justification for Counting Non-Deed Restricted Second Units as Very Low Income Housing - In 2010 the City of Beverly Hills conducted a study of existing second units and found that 81% of existing units were either offered rent free or offered at a rent less than \$400 a month. This qualifies 81% of new second units built as Very Low Income housing. Please see pages 584 - 587 of the City's 2006-2014 Housing Element for a summary of the 2010 Second Unit Study and findings (Attached).

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table A2

Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with Government Code Section 65583.1 subsection (c )(7) of
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity					
(2) Preservation of Units At-Risk					
(3) Acquisition of Units					
(5) Total Units by Income					

\* Note: This field is voluntary

Table A3

Annual building Activity Report Summary for Above Moderate-Income Units  
(not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate							
No. of Units Permitted for Above Moderate		4	34	2		40	

\* Note: This field is voluntary

During 2011, 24 new homes received a certificate of occupancy. Single Family homes have not been included in the inventory of new homes because it is assumed that any new single family home is replacing an existing single family home.

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ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table C

Program Implementation Status

Program Implementation Status			
Program Description (By Housing Element Program Name)	Objective	Timeframe in H.E.	Status of Program Implementation
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
Program 9.1 Upkeep and Maintenance of Vacated Buildings	Preserve existing housing stock	Ongoing	The city continues to implement the current program.
Program 9.2 Property Maintenance	Require housing to be maintained in an aesthetic, safe and habitable manner consistent with City codes	Ongoing, explore program restructuring by 2013	The City continues to implement the current program. In 2011 the city's Code Enforcement Office closed 263 violations related to residential property maintenance. A study is planned in 2013 to establish a rental housing inspection program.
Program 9.3 Handyworker Program	Provide minor repairs and mobility assistance to approximately 48 low-income households per year	Ongoing	In the first three quarters of the current fiscal year (2011-2012), the program provided minor home repairs to 12 single-family homes and 29 multi-family homes for a total of 41 homes (average of 13 homes repaired in each quarter). As such the program is on target to meet the goal of repairing 48 homes in the year.
Program 9.4 Condominium Conversion Regulations	Limit the loss of rental housing by setting an annual cap on condominium conversions and providing tenant protections	Evaluate ordinance in 2011; amend in 2012, as appropriate	The city's current ordinance was evaluated in 2011 and the determination was made not to adjust the annual cap at that time but to reevaluate the ordinance in 2012 along with the multi-family development standards (program)
Program 9.6 Rent Stabilization Ordinance	Investigate tenant complaints about unlawful rent increases, service reductions, evictions and relocations	Ongoing	The city continued to implement the current program. In 2011 the city's Code Enforcement Office opened eight (8) rent stabilization cases and responded to 647 inquiries either over the phone, through email, or in person.



ANNUAL ELEMENT PROGRESS REPORT  
Housing Element Implementation  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table C

Program Implementation Status

Program Description - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
Program Description (By Housing Element Program Name)	Objective	Timeframe in H.E.	Status of Program Implementation
Program 9.7 Monitoring Affordable Housing	Coordinate with service providers to monitor Section 8 renewals, advise tenants in advance of potential conversion dates, and provide opportunities to continue affordability covenants	Ongoing	The City continues to implement the current program. The city has one very-low income housing building. The building has an affordability covenant and as 150 units and is available to very low income seniors. The city contacts with Menorah Housing Foundation to oversee and administer the units.
Program 10.1 Density Bonus	Encourage the development of more affordable housing units by offering incentives to developers	Modify ordinance and promote the use of density bonus incentives by 2012	The city is currently studying changes to its density bonus ordinance that would include lists of waivers and concessions. Changes to the city's density bonus ordinance are planned to occur concurrently with programs 10.2, 10.3, 12.2, and 12.3.
Program 10.2 Inclusionary Housing	Require a minimum percent of units in development to be price-restricted as affordable to lower and moderate income households	Conduct Inclusionary Housing Nexus and In-Lieu Fee Study in 2011 and adopt ordinance by 2012	The city is currently conducting a nexus study for an inclusionary housing program and in-lieu fee that could be paid into a housing trust fund. The study will also identify meaningful incentives including fee reductions to implement programs 12.2 and 12.3.
Program 10.3 Housing Trust Fund	To be used to construct or help leverage construction of affordable housing	2012, to coincide with the adoption of an inclusionary Housing Ordinance	Through development agreements, the city has negotiated approximately \$3 Million dollars to be used to establish a housing trust fund. The three projects however have not been built to date and so rather than establishing the trust fund without having an identified funding source, the city has tied the housing trust fund to the in-lieu fees in program 10.3.

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction	City of Beverly Hills
Reporting Period	1/1/2011 - 12/31/2011

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 10.4 Second Units	Encourage the provision of affordable second units	Conduct Second Unit Survey in 2010; evaluate revisions to current second unit standards, and amend the ordinance within 1 year of Housing Element adoption	A second unit study was conducted in 2010 and the results were discussed in the housing element. The city is currently studying changes to the ordinance that could further incentivize the development of second units. This program is running a little behind schedule with an ordinance expected in April, 2013 which would be 5 months later than anticipated.
Program 10.5 Affordable Housing Production Brochure and Outreach	Summarize available incentives offered for the development of affordable housing	Develop & disseminate outreach materials in 2012	The city has produced two housing brochures, one summarizes the city's available incentives for developing affordable housing, while the second brochure provides information on current housing programs to people in need of affordable housing.
Program 10.6 Sustainability and Green Building	Promote resource efficiency and sustainability in new developments	Ongoing	The City continues to implement the current program in consistency with State law which required the city to remove its green building program and replace it with the State's CalGreen building code.
Program 10.7 Partnerships with Affordable Housing Developers	Initiate partnerships with non-profit developers to assist in the development of affordable housing	Initial contact with local nonprofits by end of 2011; initiate an RFQ process by end of 2012	The city held an information session with local non-profit housing corporations and affordable housing developers. Lacking a funding source (refer to Program 10.3), the city has not pursued partnerships or initiation of an affordable housing project to date due to a lack of funding. With establishment of the affordable housing fund, partnerships with developers will be more realistic.
Program 11.1 Fair Housing Program	Promote fair housing practices and refer fair housing complaints to Housing Rights Center	Initiate advertising in 2011	The city provides fair housing information on the city's website ( <a href="http://www.beverlyhills.org">www.beverlyhills.org</a> ) and in the brochures created under program 10.5

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Jurisdiction City of Beverly Hills  
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Table C

Program Implementation Status

Program Description (By Housing Element Program Names)				Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation		
Program 11.2 Senior Housing Development	Provide incentives to facilitate development of senior housing	Initiate RFQ process by end of 2012	This program was commenced with program 10.7. Due to a lack of funding at this time, this program has not evolved from an initial meeting with affordable housing managers and developers		
Program 11.3 Senior Case Management Program	Assist frail elderly residents to remain independent and in their homes	Ongoing	The City continues to implement the current program and provides a number of programs providing assistance to seniors including: the Beverly Hills Active Club (\$5.5K) which provides exercise classes and activities at La Cienega and Roxbury Parks, the Senior Center and senior library at Roxbury Park (funded through the city library), and Jewish Family Services (\$86K) which provides a broad range of support services to seniors living independently.		
Program 11.4 Senior Home sharing Program	Provide a free shared housing program which matches older people with others interested in sharing their homes	Evaluate Community Assistance Funds and determine grant amount annually	This program was not funded in the 2011-2012 fiscal year over concerns of effectiveness; with restructuring, funds could be provided in the future.		
Program 11.5 Accessible Housing	Develop and adopt written procedures for reasonable accommodation requests and educate the public on the process of requesting an accommodation	2011	The city is in the process of adopting a reasonable accommodation procedure into the zoning code. The reasonable accommodation ordinance is expected to be adopted by end of the calendar year.		

ANNUAL ELEMENT PROGRESS REPORT  
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Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table C

Program Implementation Status

Program Description - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
Program Description (By Housing Element Program Name)	Name of Program	Objective	Status of Program Implementation
Program 11.6 Funding for Homeless Services	Fund a variety of service organizations that serve the homeless and persons at-risk of homelessness	Annual funding allocations	<p>In the fiscal year 2011-2012, the city contributed \$85,000 to the CLASP (Changing Lives And Sharing Places) homeless outreach program, and more than \$50,000 for shelter beds at PATH (People Assisting The Homeless). Results of a recent homelessness survey indicates there are on average 49 homeless persons in the City of Beverly Hills on any given night of the year. Funds provided to PATH reserve 49 beds in emergency shelters in the local area that are to be offered to persons currently homeless in Beverly Hills. The city also provides PATH with five Section 8 vouchers to be used for longer-term housing for homeless persons. CLASP regularly reaches out to homeless persons in the city with the intention of providing those persons with assistance and support including shelter. Other services funded in the 2011-2012 fiscal year include: the Westside Food Bank (\$75K), Chiron, Inc. (\$20K) which provides crisis response, All Saints which provides meals and limited homeless services, Saban Free Clinic (\$6K) which provides medical services and showers, and Step Up on Second (HOST Program) which provides outreach to homeless persons. The city provides Step Up on Second with five Section 8 vouchers to be used for longer-term housing for homeless persons.</p> <p>Also in the 2011-2012 fiscal year the city purchased an apartment unit in a supportive housing project that Step Up on Second constructed in Los Angeles with the intent that that unit will provide permanent supportive housing to a person formerly homeless in Beverly Hills.</p>
			<p>The city adopted an ordinance on November 23, 2012 that is consistent with housing element program 12.1 and consistent with the requirements under SB2.</p>
Program 12.1 Zoning Text Amendments for Special Needs Housing	Amend zoning ordinance to provide for special needs housing	Amend zoning code in 2012	

ANNUAL ELEMENT PROGRESS REPORT  
*Housing Element Implementation*  
(CCR Title 25 §6202 )

Jurisdiction City of Beverly Hills  
Reporting Period 1/1/2011 - 12/31/2011

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)		Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Program 12.2 Adjust Development Standards	Evaluate and modify development standards to encourage more affordable housing units	Conduct comprehensive analysis of multi-family development standards in 2012 and amend zoning code by 2013	The city is conducting a study to understand what incentives, concessions and waivers would be most beneficial to building affordable housing in the city. This study is intended to inform upcoming modifications to the city's multi-family development standards in 2013.
Program 12.3 Reduced Fees for Affordable Housing	Provide waivers or reductions of certain taxes and fees for developments with low, very low, and moderate income housing units	Conduct fee study in 2012	The city is currently studying fee reductions through a nexus study. That study is intended to identify fee reductions that would be meaningful to local affordable housing builders. The study is expected to be finalized in 2012 and fee reductions introduced shortly after the new year.
Program 12.4 Monitor the Development Review Process	Identify inefficiencies and uncertainties in the City's review and promote alternative techniques intended to streamline the process	Annually, 2011-2013; modify incentive program as appropriate within 1 year	The city is currently updating its zoning code to reduce inefficiencies and uncertainty in the development process. This zoning update is also intended to streamline the development review process. Additionally, in an effort to streamline permitting, the community development department was restructured to form a dedicated group of zoning code and building experts as part of a dedicated group focused on processing permits.

General Comments:

Housing counts provided in this report are for the calendar year 2011. Housing counts for previous years in the housing cycle (2006 - 2010) have also been included to provide a grand total for housing developed in the cycle. Information on housing programs is for calendar year 2011, unless otherwise specified. The city's budget is set on the fiscal year and so some program accomplishments have been presented based on funding made available during the 2011/2012 fiscal year rather than calendar years. All City policy work is current to October 2012.

Second Unit Survey  
Results from 2008-2014  
Housing Element

The City has successfully incorporated affordable units within three recent market rate projects. One of the approved projects (8600 Wilshire Blvd.) is a residential/commercial project. The other two projects are residential R-4 projects that have utilized the City's Density Bonus Ordinance. Affordable housing provided by these projects is summarized in the following table (Table 44).

<b>Table 44 Entitled Projects with Affordable Units or Housing Trust Fund Dollars</b>					
<b>Project Address</b>	<b>General Plan Designation</b>	<b>Permitted Units</b>	<b>Acres</b>	<b>Allowable Unit Density</b>	<b>Affordability Component</b>
9936 Durant	MFR High Density	14	0.28	50 units/ac*	2 Moderate
309-325 S. Elm	MFR High Density	30	0.70	43 units/ac*	3 Low
8600 Wilshire	Mixed Use 2	23	0.60	39 units/ac	2 Moderate
9200 Wilshire	Mixed Use	54	1.00	54 units/ac	\$350K
9876 Wilshire	Beverly Hilton Specific Plan	110	8.88	12 units/ac^	\$1.5 Mil.
9900 Wilshire	9900 Specific Plan	235	7.62	31 units/ac	\$3 Mil.
<b>Total</b>		<b>466</b>	<b>19.08</b>	<b>Affordable Housing Dollars \$4.85Mil.</b>	

\* These projects utilized State density bonus incentives (SB 1818)

### **Second Units**

In addition to the potential sites identified in the housing sites inventory, there is a capacity to provide second units in many of the City's single-family residential districts. Second units, also known as guest houses, pool houses, and granny flats, are small dwelling units that provide a kitchen, bathroom and sleeping area. Second units can be part of the main home, or can be a small building in the backyard.

Second units can provide affordable rental options for smaller households, such as caregivers or the elderly parents of the primary homeowner, and offer an important opportunity to help Beverly Hills address its regional housing needs. The City has adopted a ministerial approval process for second units less than 650 square feet in size, and allows larger second units, including units above garages, on R-1 properties located north of Santa Monica Boulevard subject to a second unit permit.

In order to collect information on second units, in June 2010 the City mailed a second unit survey to all single-family property owners in Beverly Hills (survey provided in the appendix). This mailing served to obtain information on the extent of second units in the City, their affordability and the populations they serve, and served the dual purpose of informing residents that second units are both legal and encouraged in Beverly Hills. The survey began with a clear definition of what qualifies as a bona fide second dwelling unit, and requested homeowners with a second unit on their property that

met this definition to complete the survey. A comment section was provided for property owners to share any thoughts they had on second units, regardless of whether they currently had a second unit or not. The following section summarizes the results of the survey.

The City received 183 surveys back from the public. Of the returned surveys, 110 respondents indicated they had a second unit on their property, whereas the other 73 respondents did not currently have a second unit but included written comments for the City. The vast majority of the 110 second units captured by the survey were detached (87%). Forty-two of the second units surveyed (38%) were currently occupied, indicating that many units are not being used for full time occupancy, but may be made available for visiting guests or function as a pool house.

Second Units Surveyed	
Surveys Returned	184
Surveys with 2nd Units	111
Unit Currently Occupied	43
<i>Offered Rent Free</i>	31 (72%)
<i>Units Occupants Related to Homeowner</i>	19 (33%)
Number of Occupants	56
<i>Occupant is a Caregiver</i>	21 (38%)

The 42 occupied second units in the survey housed a total of 54 residents. While most units had a single occupant, one-quarter of the units had two or three occupants. Nearly half the occupants were related to the primary homeowner (44%), and a majority were over the age of 55 (42%), indicative of the role second units play in providing housing for aging parents. Approximately one-third of second unit occupants were working age adults between the ages of 31-55 years old.

People Living in Surveyed Second Units – Demographics	
Number of People living in 43 Occupied 2nd Units Surveyed	55
Occupant Related to Homeowner	45%
Occupant Over 55	48%
Occupant 31-55	33%
Occupant 16-30	19%

By occupation, most occupants were caretakers (37%), illustrating another role second units play in Beverly Hills. Over-one



quarter of occupants were identified as professionals, followed by students and retirees.

People Living in Surveyed Second Units – Occupation	
Caretaker	38%
Professional	26%
Student	14%
Retired	12%
Other	10%

An additional question posed in the survey asked if rent was charged on currently occupied second units and if so, the amount of rent. A series of rental ranges were provided from which to choose, with ranges selected that generally correspond to the level of rent considered affordable to very low, low, moderate and above moderate-income households. This question was posed to assess the affordability of existing second units, and to estimate the proportion of new second units that may contribute towards addressing the community's regional housing needs (RHNA).

As indicated in the following table, 81 percent of occupied second units were provided rent free or for a rental amount affordable to very low income households. Another 3 percent of second units rented at levels affordable to low income households, and 12 percent at levels affordable to moderate income households. The survey also asked the age of the second unit to assess whether newer units tended to command higher rents; of the 4 units built 2006 or later, all were provided rent free to either family members or caretakers.

Surveyed Second Units – Rent Ranges		
Income Category	Rental Range	Percentage of Occupied 2 <sup>nd</sup> Units
Very Low	No Rent or Rent < \$400	81%
Low	\$401-\$700	3%
Moderate	\$701-\$1,100	12%
Above Moderate	Over \$1,100	4%

The City has received and approved an average of 3 discretionary second unit applications annually since the current ordinance was adopted in 2003, and is in the process of identifying building permits for second units less than 650 feet in size not required to undergo discretionary review. Projecting a slight increase in the

rate of second unit construction based on the proposed ordinance modifications and program publicity, the City estimates that approximately 5 new second units will be created annually, for a total of 20 new second units during the 2011-2014 period.

Based on the results of the City's second unit survey, it is estimated that 81%, or 16, of the total second units requiring discretionary approval that may be approved in the planning cycle, will be offered at a nominal rent or rent free and therefore count towards meeting the "very low" income RHNA housing requirement. Further information will be provided on second units that do not require discretionary approval when that information is available. To further encourage the provision of second units, the Housing Element includes a program (Imp 10.4) for the City to evaluate certain modifications to its second unit ordinance, followed by a brochure to disseminate information on the City's second unit standards. Ordinance revisions to be evaluated include:

- Greater flexibility in second unit standards in R-1 zones south of Santa Monica Boulevard.
- Allowing larger sized second units of up to 1,000 square feet by right, thereby eliminating the need for a second unit permit and reducing processing times.
- For second units built above a garage, allowing an increase in the permitted height up to the height of the primary residence.
- Allowing reduced setback requirements where privacy is not compromised.

It is anticipated that modifying the City's existing second unit ordinance will lead to additional second units being constructed during the current planning period.

***Residential Development Completed During the RHNA "Gap Period"  
(January 2006 – July 2010)***

The following table details multi-family projects completed during the initial part of the current Housing Element Cycle. Units demolished are also included in the table. Properties where units were demolished are not necessarily the same properties where units were constructed because this list only included finished projects. Sites where units were demolished that are not also listed as having new units are currently under construction.

# Ordinance 12-O-2633

ORDINANCE NO. 12-O-2633

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
ESTABLISHING DEFINITIONS, DESIGNATING USE, AND  
ADOPTING LOCAL PLANNING AND APPROVAL  
REQUIREMENTS FOR EMERGENCY SHELTERS,  
TRANSITIONAL AND SUPPORTIVE HOUSING,  
COMMUNITY CARE FACILITIES, AND SINGLE ROOM  
OCCUPANCY UNITS AND AMENDING THE BEVERLY  
HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

**Section 1.** On June 28, 2012, the Planning Commission held a duly noticed public hearing at the end of which it adopted Resolution No. 1652, recommending that the City Council, pursuant to state law, amend the Zoning Code to allow for the development of special needs housing, including emergency shelters, transitional housing, supportive housing, community care facilities, and single-room occupancy units. On September 20, 2012, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 2.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that adoption of this Ordinance would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment, as no specific development is authorized by this Ordinance, and any future development proposed

pursuant to these amendments will require separate environmental analysis when the details of those proposals are known.

**Section 3.** This Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy H 4.1 “Zone for a Variety of Housing Types” calls for the zoning ordinance to be amended as required by state law to facilitate the provision of a variety of housing types for special needs members of the community including persons with disabilities, the homeless, and persons at risk of homelessness. General Plan Implementation Program “12.1 Zoning Text Amendments for Special Needs Housing” requires revisions to the zoning ordinance to comply with General Plan Policy H 4.1 and with state law. Additionally, the General Plan includes “Implementation Program 2.1 – Update Zoning Code and Development Regulations,” which requires that the City’s zoning codes be updated and amended from time to time.

**Section 4.** The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding the following definitions with all other definitions in the section remaining unchanged:

The following term is added between the terms “Block” and “Building” as they presently appear in Section 10-3-100:

“BONA FIDE HOUSEKEEPING UNIT: Shall have the same meaning as Single Housekeeping Unit.”

The following terms are added between the terms “Common Property Line” and “Corner Lot” as they presently appear in Section 10-3-100:

“COMMUNITY CARE FACILITY, LARGE: Any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster agency services for seven or more adults, children, or adults and children, as defined in California Health and Safety Code Section 1502.”

“COMMUNITY CARE FACILITY, SMALL: Any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster agency services for six or fewer adults, children, or adults and children, as defined in California Health and Safety Code Section 1502.”

The following term is added between the terms “Efficiency Unit” and “Exercise Club” as they presently appear in Section 10-3-100:

“EMERGENCY SHELTER: A facility that provides immediate and short-term housing with minimal support services for homeless persons or families on a first-come, first-served basis, and that is limited to occupancy of no more than six months.”

The following term is added between the terms “Exercise Club” and “Fence” as they presently appear in Section 10-3-100:

“FAMILY: Two or more persons living together as a single housekeeping unit in a single dwelling unit. Family also means the persons living together in a licensed residential facility, as that term is defined in California Health & Safety Code

Section 1502(a) (1) serving six or fewer persons, excluding the licensee, the members of the licensee's family, and persons employed as facility staff who reside at the facility.”

The following term is added between the terms “Side Street” and “Single-Family Residential Zone” as they presently appear in Section 10-3-100:

“SINGLE-FAMILY RESIDENCE: Shall have the same meaning as One-family or Single-family Residence or Dwelling.”

The following terms are added between the terms “Single-Family Residential Zone” and “Site or Site Area” as they presently appear in Section 10-3-100:

“SINGLE HOUSEKEEPING UNIT: The functional equivalent of a traditional family, whose members are a non-transient interactive group of two or more persons, where such persons jointly occupy a single dwelling unit, jointly use common areas, and share household activities and responsibilities (e.g., meals, chores, and expenses).”

“SINGLE ROOM OCCUPANCY HOUSING (SRO): A residential facility where individual secure rooms are rented to a one or two person household. Rooms are generally 150 to 375 square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented on a weekly or monthly basis.”

The following terms are added between the terms “Street Line” and “Through Lot” as they presently appear in Section 10-3-100:

“SUPPORTIVE HOUSING: Permanent affordable housing with no limit on length of stay, that is occupied by the target population as identified in state law, and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. (See Health & Safety Code Section 50675.14.)”

“TARGET POPULATION: Persons with disabilities, homeless families, and homeless youth. (See Health & Safety Code Section 50675.14(b)(3).)”

The following term is added between the terms “Through Lot” and “Trousdale Estates” as they presently appear in Section 10-3-100:

“TRANSITIONAL HOUSING: Temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the dwelling unit to another eligible program recipient at a predetermined future time, which shall be no less than six months. Transitional housing often includes a supportive services component, such as job skills training or rehabilitation counseling to allow individuals to gain the necessary life skills to support independent living.”

**Section 5.** The City Council hereby amends the title of Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 3. ESTABLISHMENT OF ZONES; PERMITTED AND  
CONDITIONALLY PERMITTED USES”



**Section 6.** The City Council hereby renumbers former Sections 10-3-302 (Zoning Map), 10-3-303 (Uncertainty of Zone Boundaries), and Section 10-3-304 (Streets and Alleys) as Sections 10-3-304 through 10-3-306, accordingly.

**Section 7.** The City Council hereby adds a new Section 10-3-302 to Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-302: PERMITTED AND CONDITIONALLY PERMITTED USES FOR  
RESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT OVERLAYS

The following charts establish permitted uses and conditionally permitted uses in all residential zoning districts and zoning district overlays:

A. SINGLE-FAMILY RESIDENTIAL ZONES

Except as otherwise provided in this article, no lot, premises, building or portion thereof in a single-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

**Allowed Uses and Permit Requirements for Single Family Residential Zoning Districts and Zoning District Overlays**

	R-1	R-1.X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R-1.7X	R-1.8X
Single Family Dwelling	P	P	P	P	P	P	P	P
Second Units (Subject to 10-3-409)	P	P	P	P	P	P	P	P
Transitional and Supportive Housing*								
- Single-Family Structure	P	P	P	P	P	P	P	P
Family Daycare Home								
- Small	P	P	P	P	P	P	P	P
- Large (Subject to 10-3-408)	UP	UP	UP	UP	UP	UP	UP	UP
Community Care Facility ** (State Licensed)								
- Small (serving 6 or fewer)	P	P	P	P	P	P	P	P
Educational Institutions	CUP	CUP***	CUP		CUP***			
Museums	CUP	CUP	CUP					
Public Utility Uses (Except as provided in 10-3-2754)	CUP	CUP	CUP					

**Allowed Uses and Permit Requirements for Single Family Residential Zoning Districts and Zoning District Overlays**

	R-1	R-1.X	R-1.5	R-1.5X	R-1.5X2	R-1.6X	R-1.7X	R-1.8X
Religious Institutions	CUP		CUP					
Public Libraries					CUP			
Publically Owned Playgrounds					CUP			
Home Occupations (Subject to 10-3-4303)	P	P	P	P	P	P	P	P

P = Permitted Use

UP = Use Permit

CUP = Conditional Use Permit

\* Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a single-family residence, it is regulated as such and is subject to all regulations applied to residences in the single-family residential zone where it is located.

\*\* For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.

\*\*\* Public Educational Institutions Only

**B. MULTIPLE-FAMILY RESIDENTIAL ZONES**

Except as otherwise provided in this article, no lot, premises, building or portion thereof in a multiple-family residential zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except:

**Allowed Uses and Permit Requirements for Multiple-Family Residential Zones and Zoning District Overlays**

	R-4	RMCP	Special Needs Housing Overlay Zone <sup>c</sup>	R-4X1	R-4X-2	R-3	R-4P
Single Family Dwelling	P	P		P	P	P	
Multiple Family Dwellings	P	P		P	P	P	P
Transitional and Supportive Housing							
- Single-Family Structure	P*	P*			P*	P*	
- Multi-Family Structure	P*	P*			P*	P*	P*
Emergency Shelters (Subject to 10-3-1275)			P				
Single Room Occupancy Housing (SRO)			CUP				
Community Care Facilities ** (State Licensed)							
- Small (6 or fewer)	P	P			P	P	
- Large (7 or more)	CUP	CUP			CUP	CUP	CUP
Public Library	P	P			P		
Childcare Uses licensed pursuant to state law	CUP	CUP			CUP		CUP
Educational Institutions	CUP	CUP			CUP		CUP

**Allowed Uses and Permit Requirements for Multiple-Family Residential Zones and Zoning District Overlays**

	R-4	RMCP	Special Needs Housing Overlay Zone <sup>†</sup>	R-4X1	R-4X-2	R-3	R-4-P
Multiple-Family Congregate Housing for the Elderly or Disabled pursuant to article 12.8 of this chapter			CUP				
Multiple-Family Housing for the Elderly or Disabled pursuant to article 12.5 of this chapter	CUP	CUP			CUP		CUP
Museums	CUP	CUP			CUP		CUP
Public Utility Uses ^	CUP	CUP			CUP		CUP
Religious Institutions	CUP	CUP			CUP		CUP
Restaurants located in Non-conforming Hotels (Subject to 10-3-1207)	CUP	CUP			CUP		CUP
Convenience Retail Uses (Subject to 10-3-1233)		CUP					
Public Parking Uses		CUP					
Ancillary Retail Uses ***							P
Ancillary Parking Facilities ***							P

P = Permitted Use      CUP = Conditional Use Permit

\* Transitional or supportive housing is permitted in residential zones subject to the same standards as similar residential uses; therefore, if such housing is configured as a multiple-family residence, it is regulated as such and is subject to all regulations applied to residences in the multiple-family residential zone where it is located.

^ Except as provided in Section 10-3-2754 of this Chapter 3.

\*\* For the purposes of this section, residential care facilities for the elderly, as defined in state law, shall be treated the same as community care facilities.

† Uses allowed in the Special Needs Housing Overlay Zone are in addition to any use allowed in the underlying zoning district.

\*\*\* If approved by the Planning Commission as part of a planned development pursuant to Article 18.4 of this Chapter 3.

**Section 8.**      The City Council hereby adds a new Section 10-3-303 to Article 3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-303: PERMITTED AND CONDITIONALLY PERMITTED USES FOR  
NONRESIDENTIAL ZONING DISTRICTS AND ZONING DISTRICT  
OVERLAYS

Uses for all nonresidential zones and zoning district overlays are listed in the Article addressing each specific zone or zoning district overlay.”

**Section 9.** The City Council hereby amends Section 10-3-401 of Article 4 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-401: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 10.** The City Council hereby amends Section 10-3-501 of Article 5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-501: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 11.** The City Council hereby amends Section 10-3-601 of Article 6 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-601: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 12.** The City Council hereby amends Section 10-3-701 of Article 7 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-701: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 13.** The City Council hereby amends Section 10-3-801 of Article 8 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-801: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.5X2 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 14.** The City Council hereby amends Section 10-3-901 of Article 9 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-901: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.6X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 15.** The City Council hereby amends Section 10-3-1001 of Article 10 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1001: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.7X shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 16.** The City Council hereby amends Section 10-3-1101 of Article 11 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1101: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-1.8X shall be erected, constructed, built, altered, enlarged, built

upon, used, or occupied for any purpose except as a private one-family residence, small family daycare home, small community care facility, or transitional or supportive housing structured as a single-family residence.”

**Section 17.** The City Council hereby amends Section 10-3-1202 of Article 12 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1202: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this article, no lot, premises, building or portion thereof in zone R-4 shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied for any purpose other than as a public library, a single- or multiple-family dwelling and the usual and customary accessory and appurtenant uses thereto; a small community care facility; or transitional or supportive housing structured as a single-family residence or as a multiple-family dwelling.”

**Section 18.** The City Council hereby amends Section 10-3-1203 of Article 12 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1203: CONDITIONAL USES PERMITTED:

The following uses shall be permitted in the R-4 zone only if authorized by a conditional use permit issued pursuant to the provisions of article 38 of this chapter:

Childcare uses licensed pursuant to state law.

Educational institutions;

Multiple-family housing for the elderly or disabled pursuant to article 12.5 of this chapter;

Museums;

Public utility uses, except as provided in section 10-3-2754 of this chapter;

Religious institutions;

Restaurants located in nonconforming hotels, as provided in section 10-3-1207 of this article; and

Large Community Care Facilities.”

**Section 19.** The City Council hereby amends the title of Article 12.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 12.5. INCENTIVES FOR CONSTRUCTING MULTIPLE-FAMILY HOUSING FOR THE ELDERLY OR DISABLED”

**Section 20.** The City Council hereby amends Sections 10-3-1251 through 10-3-1253 of Article 12.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-1251; PURPOSE:

The purpose of this article is to incentivize the construction of housing for elderly or disabled persons at costs lower than could be achieved under the general provisions of this code by modifying the general development standards to meet the unique needs of elderly or disabled households. It is also the intent to avoid the concentration of housing for elderly or disabled persons in any single area.



10-3-1252: ELDERLY OR DISABLED HOUSING DEFINED:

Housing is considered to be housing for the elderly or disabled if all the units are occupied by one of the following:

- A. A household in which the head and/or his (her) spouse is sixty two (62) years or older; or
- B. A household in which the head and/or his (her) spouse is sixty two (62) years or older with a disabled child; or
- C. A household headed by a disabled person who has an impairment which is expected to be of a long, continued and indefinite duration and which:
  - 1. Substantially impedes the person's ability to live independently; or
  - 2. Is of such nature that the person's ability to live independently could be improved by a more suitable housing condition.

Notwithstanding the above, one unit may be occupied by a family who is neither elderly nor disabled but who occupies the unit for the specific purpose of managing and/or operating the housing complex.

10-3-1253: PERMITTED AREAS:

Multiple-family housing for the elderly or disabled shall be a permitted use in any zone permitting multiple-family residential uses.

10-3-1254: CONDITIONAL USE PERMITS:

A conditional use permit shall be required for any multiple-family housing for the elderly or disabled that will be built using the alternative development standards provided in this article.”

**Section 21.** The City Council hereby adds a new Article 12.7 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 12.7. SPECIAL NEEDS HOUSING OVERLAY ZONE

10-3-1270: PURPOSE:

The purpose of this article is to encourage the construction of housing for persons with special needs in compliance with state law. Such housing shall be allowed in certain areas of the City to avoid the concentration of special needs housing in any single area and to locate such housing close to amenities and services appropriate for the intended residents.

10-3-1271: PERMITTED AREAS:

The Special Needs Housing Overlay Zone shall apply in the R-4 zone to those sites described in Section 10-3-1282 of this Code.

10-3-1272: DEVELOPMENT STANDARDS:

Except as otherwise stated in this Chapter 3, development within the Special Needs Housing Overlay Zone shall be subject to the development standards provided in Article 12.8 of this Chapter.

10-3-1273: USES AND BUILDINGS PERMITTED:

Except as otherwise provided in this Chapter 3, no lot, premises, building or portion thereof in the Special Needs Housing Overlay Zone shall be erected, constructed, built, altered, enlarged, built upon, used, or occupied except for the following purposes:

- A. Uses permitted in the applicable underlying zone.
- B. Emergency Shelters subject to the standards provided in this article.

10-3-1274: CONDITIONAL USES PERMITTED:

The following uses shall be permitted in the Special Needs Housing Overlay Zone only if authorized by a conditional use permit issued pursuant to the provisions of article 38 of this chapter:

Multiple-family congregate housing for the elderly or disabled pursuant to article 12.8 of this chapter;

Large Community Care Facilities;

Single Room Occupancy Housing (SRO) subject to the standards provided in this article.

10-3-1275: DEVELOPMENT STANDARDS FOR EMERGENCY SHELTERS:

Emergency shelters shall be allowed as a permitted use in the Special Needs Housing Overlay Zone provided that the following development standards are met.

1. The minimum floor area per occupant shall not be less than 150 square feet and the maximum number of occupants to be served at any given time shall not exceed fifty (50).
2. A minimum distance of 300 feet shall be maintained from any other emergency shelter.
3. The maximum stay at the facility shall not exceed ninety (90) days in a 365-day period.
4. On-site client waiting and intake areas shall be located inside the building and shall be screened from public and private property where feasible. If not feasible, an exterior waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility; shall be in a location not adjacent to the public right-of-way; and shall be visibly separated from public view by a minimum 6-foot tall visual screening.
5. Hours of intake shall be between the hours of 5pm to 9pm. No release before 7am.
6. A minimum of one (1) employee per 15 beds, in addition to security personnel, shall be on duty and remain on-site during operational hours whenever clients are on the site.
7. Security personnel shall be provided during operational hours whenever clients are on the site and when people are waiting outside the facility.
8. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the provisions of Sections 5-6-1101 and 10-3-2730.2D.

Exterior lighting shall be stationary, directed away from adjacent properties and public rights of way, and be of an intensity compatible with the neighborhood and the regulations in this Code.

9. A minimum of 1 parking space for every 10 beds, plus  $\frac{1}{2}$  parking space for each bedroom designated for families with children, plus 1 parking space for each employee/volunteer on duty, shall be maintained. The number of parking spaces may be reduced by 25% if the shelter is located within 1,000 feet of a public transit stop. Bicycle rack parking shall also be provided at the facility.
10. The facility may provide the following services and facilities to clients in a designated area separate from the sleeping areas:
  - a. A recreation area either inside or outside the shelter. If located outside, the area shall be screened from public view.
  - b. A counseling center for job placement, educational, health care, legal, or mental health services.
  - c. Laundry facilities to serve the number of occupants at the shelter.
  - d. Kitchen for the preparation of meals.
  - e. Dining hall.
  - f. Client storage areas (i.e., for the overnight storage of bicycles and personal items).
  - g. Similar services supporting the needs of homeless occupants.

11. The operator of the facility shall provide, at the City's request, an annual report of the use of the facility and determination of compliance with the City's development standards for the use."
12. A management plan shall be submitted to, reviewed, approved and enforced by the Director of Community Development. The management plan shall be approved before issuance of a Certificate of Occupancy. The management plan shall be comprehensive and shall address hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs, including job descriptions.
13. Operation of vehicles to transport residents shall not generate vehicular traffic substantially greater than normally generated by residential activities in surrounding areas.
14. Arrangements for delivery of goods shall be made within hours that are compatible with existing codes and will not adversely affect livability of surrounding properties.
15. The facility shall not generate noise or lighting at levels adversely affecting livability of surrounding properties."

10-3-1276: DEVELOPMENT STANDARDS FOR SINGLE ROOM  
OCCUPANCY HOUSING (SRO):

In addition to the requirements of Article 38, Single Room Occupancy Housing shall be subject to the following standards:

- A. Unit size and occupancy. The minimum size of a unit shall be 150 square feet and the maximum size shall be 375 square feet which may include bathroom and/or kitchen facilities.
- B. Common area. A minimum of 10 square feet for each unit shall be provided for a common area. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the City shall be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.
- C. Management. A single-room occupancy management plan shall be submitted to, reviewed, approved, and enforced by the Director of Community Development. The management plan shall be approved before issuance of a Certificate of Occupancy. The management plan shall be comprehensive and contain management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs, including job descriptions. A 24-hour resident manager shall be provided for any single-room occupancy use with twelve (12) or more units.
- D. Parking. A minimum of 0.5 on-site parking spaces shall be provided per unit, plus one guest space for every 5 units.
- E. Kitchen facilities. Each unit shall be provided a kitchen sink with a garbage disposal, serviced with hot and cold water, and a counter top measuring a minimum of 18 inches wide by 24 inches deep. If each individual unit is not provided with a minimum of a refrigerator and a microwave oven, a complete

kitchen facility available for residents shall be provided on each floor of the structure.

- F. Bathroom facilities. For each unit a private toilet in an enclosed compartment with a door shall be provided. This compartment shall be a minimum of 15 square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided at a ratio of one for every seven units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.”

**Section 22.** **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 23.** **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 24.** **Effective Date.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.



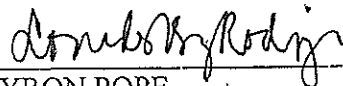
Adopted: October 23, 2012

Effective: November 23, 2012

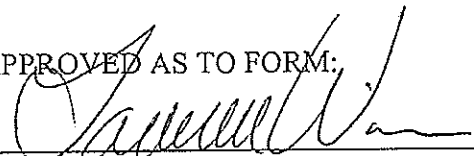


WILLIAM W. BRIEN, MD  
Mayor of the City of  
Beverly Hills, California

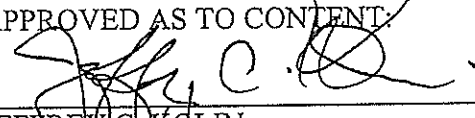

ATTEST:

for  (SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
JEFFREY COLIN  
City Manager  
  
SUSAN HEALY KEENE  
Director of Community Development

# Ordinance 12-O-2634

ORDINANCE NO. 12-O-2634

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO  
ESTABLISH PROCEDURES FOR DISABLED PERSONS TO  
REQUEST A REASONABLE ACCOMMODATION FROM THE  
CITY'S ZONING AND LAND USE REGULATIONS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

**Section 1.** On September 27, 2012, the Planning Commission held a duly noticed public hearing and continued such hearing to the following meeting on October 11, 2012, at which it adopted Resolution No. 1658, recommending that the City Council, pursuant to State law and the City's 2008-2014 Housing Element, amend the Zoning Code to establish a process by which persons may petition the City for relief from zoning requirements that would otherwise limit or prevent the equal use and enjoyment of housing by disabled persons. On November 20, 2012, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

**Section 2.** This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. It has been determined that adoption of this Ordinance would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment.

**Section 3.** This Ordinance is consistent with the objectives, principles, and standards of the General Plan. General Plan Policy H 3.4 "Housing Accessibility" calls for the zoning

ordinance to be amended to include Reasonable Accommodation procedures. General Plan Implementation Program “11.5 Accessible Housing” requires revisions to the zoning ordinance to comply with General Plan Policy H 3.4 and with State law. Additionally, the General Plan includes “Implementation Program 2.1 – Update Zoning Code and Development Regulations,” which requires that the City’s Zoning Code be updated and amended from time to time.

**Section 4.** The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding the following definitions, with all other definitions in that Section to remain unchanged:

“DISABLED; DISABLED PERSON. A person who has a Physical or Mental Impairment that limits or substantially limits one or more Major Life Activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws.”

“FAIR HOUSING LAWS. The “Fair Housing Act” (42 U.S.C § 3601 et seq.), the “Americans with Disabilities Act” (42 U.S.C. § 12101 et seq.), and the “California Fair Employment and Housing Act” (California Government Code § 12900 et seq.), as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.”

“MAJOR LIFE ACTIVITY. Physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.”

“PHYSICAL OR MENTAL IMPAIRMENT. Any physiological disorder or condition

and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed “mental retardation”), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a Physical or Mental Impairment.”

“REASONABLE ACCOMMODATION. Any deviation requested and/or granted from the City’s zoning and land use laws, rules, regulations, policies, procedures, practices, or any combination thereof, that may be reasonable and necessary for a Disabled Person to have an equal opportunity to use and enjoy a dwelling.”

**Section 5.** The City Council hereby adds a new Article 36.7 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“ARTICLE 36.7. REASONABLE ACCOMMODATION PROCEDURES FOR  
DISABLED PERSONS

10-3-3670: PURPOSE AND APPLICABILITY:

Purpose. The purpose of this Article is to establish a procedure for Disabled Persons, or their representatives, to request a Reasonable Accommodation from the City’s zoning laws, building codes, and land use regulations, policies, and procedures to provide Disabled Persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.

Who May Apply. A request for a Reasonable Accommodation may be made by any

Disabled Person, his/her representative, or a developer or provider of housing for Disabled Persons, when the application of a zoning law, building code provision, or other land use regulation, policy, or practice acts as a barrier to a Disabled Person's equal opportunity to use and enjoy housing.

What Can Be Requested. A request for a Reasonable Accommodation may include a modification to or exception from the rules, standards, or practices for the siting, development, or use of housing or housing related facilities, in order to allow a Disabled Person an equal opportunity to use and enjoy housing in accordance with the Fair Housing Laws. Requests for a Reasonable Accommodation shall be made in the manner prescribed by this Article.

#### 10-3-3671: REVIEWING AUTHORITY:

A. A request for a Reasonable Accommodation shall be reviewed by the Community Development Director or the Director's designee, unless it is related to a discretionary land use application for the same Site Area that requires review by the Planning Commission, in which case the Planning Commission shall be the reviewing authority. The Community Development Director may, in his/her discretion, refer applications to the Planning Commission for consideration.

B. Variance Not Required. Where the improvements or modifications approved through a request for a Reasonable Accommodation would otherwise require a variance, a variance shall not be required.

#### 10-3-3672: REVIEW PROCEDURE:

Director Review. The Director, or designee, shall consider an application and issue a written determination. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and adjacent property owners that

the City will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

Planning Commission Review. The processing procedures for the discretionary land use application before the Planning Commission shall govern the processing of the request for a Reasonable Accommodation. If the Reasonable Accommodation is referred to the Planning Commission by the Director and there is no other discretionary application, then the Planning Commission shall hold a public hearing within forty-five (45) days after the application is deemed complete and shall issue a written determination within sixty (60) calendar days after such public hearing. Written notice of a hearing to consider the application shall be mailed ten (10) calendar days prior to the meeting to the applicant and adjacent property owners.

Ability to Require Additional Information. If the reviewing authority believes that additional information is necessary to reach a determination on any request for a Reasonable Accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a Reasonable Accommodation, the City shall provide assistance to ensure that the process is accessible.

The applicant and the City may agree at any time to extend the time period(s) set forth in this section.

#### 10-3-3673: APPLICATION SUBMITTAL:

Notwithstanding any other requirements of this Article, a request for a Reasonable Accommodation shall be made on a form supplied by the Community Development Department

and shall include the following information:

- A. The applicant's or representative's name, mailing address, and daytime phone number;
- B. The address of the property for which the request is being made;
- C. The specific code section, regulation, procedure, or policy of the City from which relief is sought;
- D. A site plan or illustrative drawing showing the proposed accommodation, if applicable;
- E. An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a Disabled Person equal opportunity to use and enjoy the dwelling;
- F. The basis for the claim that the Fair Housing Laws apply to the applicant and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
- G. A detailed explanation of why the accommodation is reasonable and necessary to afford the Disabled Person an equal opportunity to use and enjoy the dwelling; and
- H. Any other information required to make the findings required by Section 10-3-3674, consistent with the Fair Housing Laws.
- I. A Reasonable Accommodation does not affect or negate an individual's obligation to comply with other applicable regulations that are not the subject of the requested accommodation.



- J. No application fee shall be required to process an application for a request for a Reasonable Accommodation pursuant to this Article. However, application fees shall be required for any concurrent development application and any other permits that may be required to construct or otherwise implement the Reasonable Accommodation.
- K. While a request for a Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

10-3-3674: FINDINGS AND CONDITIONS OF APPROVAL:

Required Findings. The Reasonable Accommodation shall be approved, with or without conditions, if the reviewing authority finds, based upon all of the evidence presented, that all of the following findings can be made:

- A. The dwelling that is the subject of the request for Reasonable Accommodation will be occupied by a Disabled Person;
- B. The requested accommodation is necessary to provide a Disabled Person with an equal opportunity to use and enjoy a dwelling;
- C. The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the Fair Housing Laws; and
- D. The requested accommodation will not require a fundamental alteration to the City's zoning or building laws, policies, and/or procedures, as defined in the Fair Housing Laws. In considering whether the accommodation would require such a fundamental alteration, the reviewing authority may consider, among other factors:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;
3. Whether the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan; and
4. Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

10-3-3675: DECISION:

The reviewing authority's written decision shall set forth the findings and any conditions of approval. The decision and notice of the right to appeal shall be mailed to the applicant, and to any person having provided written comment on the application.

The approval of a Reasonable Accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Article or the General Plan, or are appropriate to protect the public health, safety, or welfare.

The reviewing authority may approve an alternative Reasonable Accommodation that provides the applicant an opportunity to use and enjoy a dwelling equivalent to that provided by the specific accommodation requested by the applicant, where such alternative accommodation would reduce impacts to neighboring properties or the surrounding area.

The written decision of the reviewing authority shall be final, unless appealed or ordered for

Council review in the manner set forth in Chapter 4 of Title 1 of this Code.

Prior to the issuance of any permits related to an approved Reasonable Accommodation, the applicant, or property owner if different, shall record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions of the approved Reasonable Accommodation.

A Reasonable Accommodation is granted to an individual(s) and shall not run with the land, unless the Director of Community Development finds, at the time of approval of the accommodation, that the modification is physically integrated with the structure and cannot feasibly be removed or altered.

#### 10-3-3676: EXPIRATION AND DISCONTINUANCE

- A. Expiration. Any Reasonable Accommodation approved in accordance with the terms of this Article shall expire within twelve (12) months from the effective date of the approval, or at an alternative time specified in the approval, unless:
  - 1. A building permit has been issued and construction has commenced; or
  - 2. The right granted by the accommodation has been exercised; or
  - 3. A time extension has been granted by the Community Development Director.
- B. Discontinuance. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days. In addition, if the Disabled Person for whom the Reasonable Accommodation was granted vacates the residence, the Reasonable Accommodation shall remain in effect only if: (1) the Community Development Director determined pursuant to Section 10-3-3675 that the Reasonable Accommodation shall run with the land, or (2) another Disabled Person who requires the accommodation to have an equal opportunity to

use and enjoy the dwelling now occupies the dwelling. The Director may request that the person seeking to retain the accommodation provide documentation that the occupants are Disabled Persons and the existing accommodation is necessary for them to have an equal opportunity to use and enjoy the dwelling. Failure to provide such documentation within 10 days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

10-3-3677: REVOCATION OR MODIFICATION:

- A. If the Director determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved Reasonable Accommodation, and the Director believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the Reasonable Accommodation, then the Director may initiate a revocation proceeding before the Planning Commission.
- B. Upon initiation of a revocation proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the Reasonable Accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in Section 10-3-3672. The Planning Commission, after such hearing, may revoke or modify the Reasonable Accommodation if the Planning Commission determines that:
  - 1. There has been a change in the Disabled Person's use of the property or need for the Reasonable Accommodation that negates the basis for the approval of the Reasonable Accommodation; or
  - 2. The application, or other information presented to the City in conjunction

with the request for a Reasonable Accommodation, included false information; or

3. Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.

- C. Upon revocation of the Reasonable Accommodation, the property shall be brought into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted in order to allow the Reasonable Accommodation.”


**Section 6.**     **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

**Section 7.**     **Publication.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.


**Section 8.**    Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: December 4, 2012


Effective: January 4, 2013

  
\_\_\_\_\_  
WILLIAM W. BRIËN, MD  
Mayor of the City of  
Beverly Hills, California

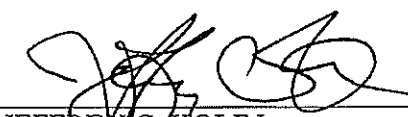
ATTEST:


  
\_\_\_\_\_  
BYRON POPE  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
JEFFREY C. KOLIN  
City Manager

  
\_\_\_\_\_  
SUSAN HEALY KEENE  
Director of Community Development